

**Cheryl Frazier**

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**From:** Christine Joyce  
**Sent:** Tuesday, December 07, 2010 3:22 PM  
**To:** 'markstarryball@verizon.net'  
**Cc:** Health Department; Building Department; Stephen Barrett; Steve Ledoux  
**Subject:** Selectmen's vote of last night

**99 PARKER STREET, MARK STARR REQUEST TO DEFER PAYMENT OF SEWER  
BETTERMENT FEES (CONTINUATION)**

Mr.. Gowing suggested we apply the criteria voted tonight. Mr.. Gowing read the 4 criteria and noted Mr.. Starr met the criteria.

- #1 Yes
- #2 Yes
- #3 Yes
- #4 Yes

Mr.. Starr meets the criteria and the Defer of betterment fees should be extended to him. Ms. Hurting-Barras Moved to approve. Mr.. Gowing - second. UNANIMOUS VOTE

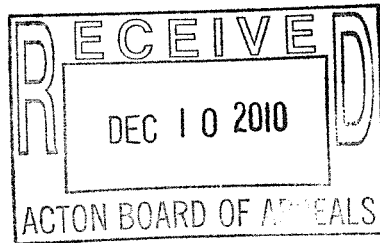
Mr.. Gowing – Moved that we apply the Policy as accepted to Mr.. Starr - Ms. Harting-Barrat – second. UNANIMOUS VOTE

## Cheryl Frazier

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**From:** Mark Starr [markstarrvball@verizon.net]  
**Sent:** Friday, December 10, 2010 11:56 AM  
**To:** Cheryl Frazier  
**Subject:** Jan. 10th

Cheryl, Could you put me on the ZBA hearing for Jan. 10<sup>th</sup>. I need to discuss the waving of the betterment fee until occupancy as well as eliminating the handicapped accessible unit. Thanks Mark Starr



December 6, 2010

## SEWER COMMISSIONER POLICY 2010-01

### PURPOSE

The purpose of this document is to provide the Sewer Commissioners with a consistent and fair mechanism to utilize when considering requests for relief from the Sewer Assessment Bylaw D-10 5-b. This section reads as follows:

- b. The Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17, to cover costs of construction of common sewers and other facilities required to serve land previously assessed a sewer betterment based on its existing use and/or its existing zoning potential where such land is later developed and/or subdivided for more intensive use (such as through a comprehensive permit under G.L. c. 40B, a zoning change, a subdivision, an approval not required plan, or other means). This fee shall be calculated based on the number of Sewer Assessment Units attributable to the intensified use of the land minus the number of Sewer Assessment Units originally assessed to the land, and may be adjusted by such other factors as the Sewer Commissioners, by regulation promulgated pursuant to this bylaw, determine to be appropriate. This fee shall be paid before any sewer connection permit or building permit is issued for the intensified use or, if a sewer connection permit or building permit is not required for the intensified use, before that use is commenced. The Sewer Commissioners may, by regulation promulgated pursuant to this bylaw, divide this fee among the land involved.*

### POLICY

When the Sewer Commissioners receive a request from an applicant for relief from payment of a privilege fee prior to the issuance of a sewer connection permit or a building permit they shall take the following under consideration:

1. Will the intensified use requiring the privilege fee a Local Initiative Project or similar type of project as supported by the Acton Zoning Bylaw as specified in section 4.4.?
2. Will the intensified use requiring the privilege fee providing a public benefit; such as affordable housing, historic preservation, protection of open space, water and wetlands, intensified environmental protection or other benefit as interpreted by the Sewer Commissioners?
3. Will the applicant requesting the relief agreeing to pay an Interest Charge for the Interest Period starting upon the issuance of a sewer connection permit or building permit (whichever is issued first) to the date of the issuance of an Occupancy Permit?
4. Does the applicant requesting the relief in good standing with the Town in that no taxes or fees are outstanding as either an individual or as a corporate entity?

Should the Sewer Commissioners find that the request for relief meets all of the above conditions, the requirement for payment of the privilege fee prior to issuance of a sewer connection permit or a building permit may be changed to payment prior to the issuance of an occupancy permit.

### **Definitions**

Local Initiative Project – Consistent with the Comprehensive Permit Policy, Appendix D, as adopted by the Board of Selectmen and Planning Board, April 2006.

Interest Charge - \$15.00 per month per privilege fee unit during the interest period

Interest Period – The start of the period shall be the first day of the month when a sewer connection permit or a building permit is issued (no matter which day the permit is actually issued) and shall continue to the last day of the month when an occupancy permit is issued.

Board of Selectmen/Sewer Commissioners

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Lauren Rosenzweig-Morton – Chair

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Mike Gowing – Vice Chair

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Terra Friedrichs – Clerk

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Janet K. Adachi

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Pamela A. Harting-Barrat